REMARKS

Claims 1-66 were pending in the application. Claims 1-42 and 45-49 have been cancelled without prejudice to presentation in future related applications. Claims 50, 51, 53 and 61 have been amended. New claims 67-86 have been added.

Support for the amendments to claims 50, 51, 53 and 61 and for new claims 67-86 can be found throughout the application as originally filed, including, for example, in the as-filed claims, Table 106, and paragraphs [0044], [0065], [0079], [0085], [0086], [0127] and [0292].

No new matter has been added.

Upon entry of this amendment, claims 43, 44, and 50-86 will be pending.

Restriction Requirement

Claims 1-66 are subject to a restriction requirement. The Examiner required Applicants to elect one of thirteen allegedly patentably distinct inventions for examination. The Office also required the election of "a single invention which is the product or one specific combination of nucleic acids/polypeptides to which the claims will be restricted." Applicants respectfully traverse on the grounds that searching more than one of the groups set forth by the Office would pose no serious burden on the Examiner.

MPEP §803 sets forth criteria for determining when restriction is proper, stating, inter alia, that "[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." Applicant respectfully asserts that searching more than group, in particular, Groups VIII and XII, would not constitute a serious burden. Applicants note that both of Groups VIII and XII include measuring expression of a CA gene. Accordingly, search results for Group VIII would be highly relevant to Group XII, and vice versa. Further, Applicants note that both Groups VIII and XII have been classified in class 435, subclass 6. Applicants also note that several others groups may similarly be searched along with Groups VIII and XII. For example, Group XIII also involves measuring expression levels of CA genes.

16